

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

813P0606

SENATE BILL NO. 124

Introduced by: Senators Albers, Hauge, and McCracken and Representatives Pitts, Kirkeby,
and Lucas

1 FOR AN ACT ENTITLED, An Act to revise certain provisions related to format standards for
2 real estate documents.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 43-28-23 be amended to read as follows:

5 43-28-23. Any real estate document recorded with the register of deeds, except for plats,
6 shall:

7 (1) Consist of one or more individual sheets measuring no larger than 8.5 inches by 14
8 inches and no smaller than 8.5 inches by 11 inches. No sheet may be attached or
9 affixed to a page that covers up any information or printed material on the document.
10 Any continuous document or any document sheets that are stapled, glued, or bound
11 together are subject to the additional fee established pursuant to subdivision 7-9-
12 15(1);

13 (2) Be printed, typewritten, or computer generated in black ink ~~and the print type of the~~
14 ~~document may not be smaller than 10-point type. However, the signature and date~~
15 ~~may be made on the document.~~ However, signatures and dates may be in black or



1 blue ink, and notarial acknowledgments may be completed in black or blue ink;

2 (3) Be on white paper of not less than twenty pound weight;

3 (4) Contain a blank space at the top measuring no less than three inches as measured
4 from the top of the first page. The right half shall be used by the register of deeds for
5 recording information and the left half shall be used by the document preparer as
6 required pursuant to § 7-9-1 and may include ~~a return designation and address~~ other
7 document information. All other margins shall be a minimum of one inch;

8 (5) Have a title prominently displayed at the top of the first page below the blank space
9 referred to in subdivision (4) of this section;

10 (6) Be sufficiently legible to reproduce a readable copy using the register of deed's
11 current method of reproduction; and

12 (7) Conform to the standards provided in this section or be subject to the increased fees
13 as provided in § 7-9-15.

14 However, the register of deeds may not charge an increased fee for any document that has
15 ~~a seal or stamp~~ any portion of a notary or corporate seal or stamp, a page number, an initial, or
16 a partial signature in a margin. Any affidavit of publication, corner record, survey, certified
17 court or governmental document, and UCC form recorded against real estate is exempt from the
18 provisions of this section. Any plat or survey and certified vital record attached to documents
19 is also exempt from the provisions of this section.

20 The provisions of this section do not apply to any real estate document prepared and
21 executed prior to July 1, 2002.